

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE No.: 03:00CR00043-043(PG)

HECTOR L. CARABALLO-PACHECO

*** * * * ***

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS AND
REQUESTING AN ARREST WARRANT**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
SENIOR U.S. DISTRICT COURT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, MALISSA Y. APONTE, U.S. PROBATION OFFICER of this Court,
notifying the Court of supervised release violations and requesting a warrant be issued for Héctor Caraballo-Pacheco.

On July 12, 2002, Mr. Caraballo-Pacheco, appeared before this Honorable Court for sentencing having previously plead guilty to federal narcotics laws violations, specifically Conspiracy to Possess with intent to Distribute at least 400 but not more than 500 grams of cocaine in violation of 21 U.S.C. § 846.

On said date, Mr. Caraballo-Pacheco was sentenced to thirty-seven (37) months of imprisonment to be followed by a three (3) year term of supervised release with the following special condition: urinalysis and drug treatment if deemed necessary. On July 7, 2004, Mr. Caraballo-

Pacheco was released from the custody of the Bureau of Prisons, at which time his three (3) year term of supervised release commenced.

However, on January 23, 2004, Mr. Caraballo-Pacheco appeared before the Court for a Revocation Hearing. Having been found in violation of his supervised release conditions for illicit drug use, he was sentenced to six (6) months imprisonment to be followed by a two year term of supervised release.

Mr. Caraballo-Pacheco was subsequently released from said sentence on July 7, 2004, to commence his new term of supervised release.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

SPECIAL CONDITION: “The defendant shall participate in a substance abuse treatment program arranged and approved by the U.S. Probation Office until duly discharged by authorized program personnel with the approval of the probation officer, and submit to urinalysis whenever required to do so by the treatment program or the probation officer”.

As a result of the defendant’s continued drug use he was referred to inpatient treatment on December 5, 2005 at Hogar Santisima Inpatient Program. Upon successfully completing the inpatient treatment on January 4, 2006, he was referred to Dr. Cangiano for outpatient treatment.

He attended his initial session with Dr. Cangiano on January 19, 2006, and there on after only attended four sessions having been scheduled for weekly sessions.

Mr. Caraballo-Pacheco’s continued non compliance pertaining to drug use and his failure to follow through with outpatient treatment, lead to his termination from said treatment.

CONDITION #2: “The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month”.

Mr. Caraballo-Pacheco has failed to submit monthly supervision reports for the months of November, 2005, January, February, and April of 2006.

CONDITION # 3: “The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer”.

_____ On April 27, 2006, in an attempt to reach out to Mr. Caraballo-Pacheco and help him return to compliant behavior, Officer in Charge, Norma Rivera-Rochet, contacted subject telephonically at home and instructed him to remain there for urine screen collection. Mr. Caraballo-Pacheco did not follow said instructions.

Officer Norma Rivera-Rochet had further telephonic communication with Mr. Caraballo-Pacheco where he admitted to the continual use of heroin. Mr. Caraballo-Pacheco notified Officer Rivera-Rochet that he would be entering an inpatient program and as such was instructed to contact this officer to provide said information. As of this date, Mr. Caraballo-Pacheco, has failed to do so.

CONDITION #7: ‘The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician’.

_____ On November 17, 2005, the defendant submitted a positive urine screen for heroin and admitted to the use of same. As a result of the defendant’s positive urine screen, he was offered the services of an inpatient program, which he refused, opting instead to detox on his own. Mr. Caraballo-Pacheco was placed in the random urinalysis color code program but he failed to appear

on November 30, 2005, to submit a sample. During a telephonic conversation on November 30, 2005, Mr. Caraballo-Pacheco admitted that he had used heroin. On December 1, 2005, Mr. Caraballo-Pacheco called this officer requesting help for he was unable to detox from illicit drug use. At this juncture, he was referred to inpatient treatment for a period of 30 days.

Since his discharge from the Hogar Santisima Inpatient Program, Mr. Caraballo-Pacheco has failed to appear for treatment and urinalysis with Dr. Cangiano on January 31st, February 9th, and March 27th, 2006. As a result, these are, technically, considered positive for illicit substance. Furthermore, on March 2, 2006, he stalled in providing a urine sample to Dr. Cangiano, which is technically, considered positive for illicit substance. On March 16, 2006, Mr. Caraballo-Pacheco, tested positive for cocaine and heroin and admitted to the use of same.

WHEREFORE, I declare under the penalty of perjury that the foregoing is true and correct. In view of the aforementioned violations, it is respectfully requested that the Court issue a warrant for Mr. Caraballo-Pacheco's arrest and order the United States Marshal Service to produce Mr. Caraballo-Pacheco for revocation procedures.

In San Juan, Puerto Rico, this 24th day of May, 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

S/Malissa Y. Aponte
U.S. Probation Officer
150 Carlos Chardón Avenue
Federal Office Building, Room 400
San Juan, PR 00918
(787) 294-1648
(787) 766-5945 (Fax)
Malissa_Aponte@prp.uscourts.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Sonia Torres, Assistant U.S. Attorney and AFPD Carlos A. Vazquez-Alvarez, Esquire.

At San Juan, Puerto Rico this 24th day of May, 2006.

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